

# State Supreme Court to hear case involving farmworkers

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KENNEWICK, Wash. — The state Supreme Court is scheduled to hear a case this spring that could affect farmers and farmworkers across the state.

The court is being asked to decide whether farmers are required to pay farmworkers — who earn wages based on how much they pick — additional money for rest breaks.

The Tri-City Herald (<http://bit.ly/15CjeCI>) reported Monday that farmworkers are guaranteed to earn the state's minimum wage, but fast harvesters can earn quite a bit more.

A class-action lawsuit was filed by farmworkers Ana Lopez Demetrio and Francisco Eugenio Paz against Sakuma Brothers Farms, a berry farm in Burlington. The farmworkers and Sakuma Brothers Farms finalized a settlement agreement resolving most of the claims in November.

The farmers did not admit any wrongdoing, but did agree to pay \$850,000 to settle claims and avoid the time and expense involved with a lengthy lawsuit.

But the workers and the farm could not come to an agreement over claims made by the workers that they should receive extra pay for the 10-minute break they can take every four hours, according to court documents.

Seattle attorneys for the workers — Daniel Ford of Columbia Legal Services and Marc Cote of Terrell Marshall Daudt & Willie — said in court documents that pay earned while a worker is working can't be used to compensate them for rest breaks.

The lawsuit also asserted that employers should be required to pay workers for rest breaks based on the average hourly earnings from piece work or the minimum wage, whichever is more.

Adam Belzberg, a Seattle attorney representing the farmers, argued that pay for rest breaks already is part of the piece rate calculation.

The state Department of Labor and Industries decided against requiring separate and additional pay for rest breaks when developing state rules in 1990.

The plaintiffs are asking for a retroactive change, meaning farmers would have to pay additional money for work breaks to piece rate workers for previous seasons. The

Washington Farm Labor Association and Washington State Tree Fruit Association estimate that could cost tens of millions of dollars.

The Supreme Court is scheduled to hear arguments in the case March 17 at Heritage University in Toppenish.